

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

1. JOHN KOSTA,
a/k/a COSTA MIHALAKAKIS,
2. FIDENCIA SERRANO-ESQUER,
a/k/a "FITO,"
3. NESTOR ANTONIO VERDUZCO,
a/k/a "TONY,"
4. DENNIS NOVICKI,
5. ALEXANDER NAPOLEON,
6. DONALD McCORMICK, and
7. TAMARA KOSTA,
Defendants.

) **FILED EX PARTE AND UNDER SEAL**

) Criminal No.: 12-10226-DJC

FILED
IN CLERKS OFFICE
2012 AUG -3 P 4: 21
U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO SEAL

The United States of America hereby moves to seal the following documents filed herewith except as to employees, contract employees, and agents of the United States Attorney's Office for the District of Massachusetts and any law enforcement officers involved in the investigation:

- a. this Motion to Seal
- b. the United States' Motion for *Ex Parte* Findings and Endorsement of Memoranda of *Lis Pendens*;
- c. all proposed memoranda of *lis pendens*;
- d. the United States' *Ex Parte* Motion for Post-Indictment Restraining Order;
- e. the United States' Memorandum of Law in Support of United States' *Ex Parte* Motion for Post-Indictment Restraining Order;
- f. the proposed restraining order;

- g. any memoranda of *lis pendens* issued by the Court; and
- h. any restraining order issued by the Court.

(collectively, “the Documents”).

The United States requests that any such order not preclude disclosure of the Documents by employees, contract employees, and agents of the United States Attorney’s Office for the District of Massachusetts, any law enforcement officers involved in the investigation, or the Federal Bureau of Investigation or its officers and agents, as necessary to:

- 1. comply with orders of this Court;
- 2. record a *lis pendens* and restraining order with the appropriate registries of deeds;
or
- 3. serve an endorsed *lis pendens* and restraining order on the owners of record for the affected properties.

The Documents relate to an indictment returned on August 2, 2012 by a grand jury sitting in the District of Massachusetts. Premature disclosure of the Documents could lead to efforts by the defendants to transfer, place liens upon, deplete, or otherwise impair the forfeitability of the real properties named in the drug and money laundering forfeiture allegations of the Indictment.


The requested impoundment is intended only to preserve the *status quo* until the Court has had an opportunity to review and rule on the Documents, and until the United States is able to record the *lis pendens* and restraining order with the appropriate registries of deeds and serve them upon the appropriate parties.

Additionally, pursuant to General Order 06-05 of the United States District Court for the District of Massachusetts, the government respectfully moves the Court for an order allowing the government to be provided with copies of all documents, transcripts, and other record of information filed in this sealed matter.

WHEREFORE, the government respectfully requests that the Documents remain filed under seal until further order of this Court.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: 
LEAH FOLEY
BRIAN PÉREZ-DAPLE
Assistant United States Attorneys
U.S. Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: August 3, 2012